

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 17, 2008

DIVISION ONE

B206775 Mayfieldm LLC

v.

Los Angeles Unified School District et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed March 24, 2008) dismissed.

B197569 Executive Trustee Services, Inc.

v.

Debra Opri et al.

Filed order dismissing appeal. Appeal (notice of appeal filed 03/07/07) dismissed.

July 17, 2008 (Continued)

DIVISION TWO

[illegible]

The order of ward ship is modified by striking the order setting a three-year four-month maximum term of confinement. In all other respects, the order of wardship is affirmed. The juvenile court is directed to correct the minute order of the disposition hearing accordingly.

Chavez, J.

We concur: Doi Todd, Acting P.J.
Ashmann-Gerst, J.

B196171 Latham Properties LLC
v.
Jose Vargas

Filed order denying petition for rehearing.

DIVISION THREE

B200417 People (Not for Publication)
v.
Ismael Garcia

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (continued)

B196783 Gumrikyan et al. (Not for Publication)
 v.
 Kesheshyan et al.

The order approving the receiver's final report is reversed with respect to the issue of defendants' \$728,217.52 share of the net profits and the matter is remanded to the trial court for further proceedings in that regard, consistent with this opinion. The trial court is also directed (1) to reverse its order charging defendants with 4/7ths of the \$173, 543.50 in attorney fees awarded to Drexler for the Akopyan litigation and (2) to modify its order so as to credit defendants with 4/7ths of the \$73,500 in salaries paid to the Gumrikyans, i.e., \$42,000. In all other respects, the judgment is affirmed. Defendants shall recover their costs on the appeal and cross-appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B199572 People (Not for Publication)
 v.
 Glenn Terrell

The judgment is modified by staying execution of sentence on the Penal Code section 12022.7, subdivision (a), enhancement pertaining to count 3, pending completion of appellant's sentence on his convictions, and by striking the \$5,000 Penal Code section 1202.45 parole revocation fine, and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modifications.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (continued)

B196916 Monroy, etc., et al.
 v.
 City of Los Angeles et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Epstein, P.J., Willhite, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B197468 People v. Marquez
B197583 People v. Michelle A.
B203620 People v. Gonzalez
B201839 DCFS v. Delonzo L.

Argument waived, cause submitted.

B192885 Chaney
 v.
 County of Los Angeles, Child Support Services Department

Merits:
Argued by Tammy Nakada for respondent. Appellant waived oral argument. Cause submitted.

DIVISION FOUR (continued)

B199235 California Consumer Health Care Council
 v.
 Aetna Health of California, Inc.

Merits:

Argued by John D. Rowell for appellant and by Kirk A. Patrick for respondent. Cause submitted.

B188149 Moore et al.
 v.
 Kerr-McGee Corporation

Merits:

Argued by Roger A. Parkinson for appellant IMC Chemical and by Paul J. Killion for respondent F.L. Smith. Cause submitted.

Court recessed.

Court reconvened at 1:30 P.M.

Present: Epstein, P.J., Willhite, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B197681 People v. Hartley
B199719 People v. Fajardo
B205477 DCFS v. Kimberly F.

Argument waived, cause submitted.

DIVISION FOUR (continued)

B200413 Starling
 v.
 Starling

Merits:
Argued by Robert M. Peterson for appellant. No brief filed by respondent.
Cause submitted.

B196483 People
 v.
 Windus

Merits:
Argued by Matthew T. Surlin for appellant and by Ana Duarte Deputy
Attorney General for respondent. Cause submitted.

B201128 Kempton et al.
 v.
 City of Los Angeles

Merits:
Argued by Charels G. Kinney for appellants and by Peter E. Langsfeld for
respondent. Cause submitted.

B196933 Thottam
 v.
 Thottam

Merits:
Argued by Tyna Thall Orren for appellant and by Stephen L. Kaplan for
respondent Jameson Thottam and by Andrew V. Jablon for respondent
Andrew V. Jablon. Cause submitted.

July 17, 2008 (Continued)

DIVISION FOUR (continued)

B197322 Burk
v.
Burk

Merits:

No appearance by appellant. No brief filed by respondent. Cause submitted.

Court adjourned

DIVISION FIVE

B198715 People (Not for Publication)
v.
Raymond Paul Perez et al.

All 10-year section 186.22, subdivision (b)(1)(C) terms are stricken. A 15-year minimum parole period is imposed as to defendant, Rosario Manuel Leanos, pursuant to section 186.22 subdivision (b)(5). The abstract of judgments are to be modified to indicate defendants are jointly and severally liable for the \$5,000 in restitution to the victims. Upon remittitur issuance, the superior court shall forward amended abstracts of judgment to the Department of Corrections and Rehabilitation reflecting the modifications set forth above. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION SIX

B198467 People (Not for Publication)
v.
Howell

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

[illegible]

The judgment is affirmed. The trial court is ordered to prepare an amended abstract of judgment on form CR-292. The reference to appellant's consecutive determinate term in item 1 shall be deleted, and the box in item 7 entitled, "Additional determinate term (See CR-290)," shall be checked. In addition, the trial court is ordered to: (1) prepare a separate abstract of judgment on form CR-290.1 showing appellant's consecutive determinate two-year prison term for the unlawful driving or taking of a vehicle, and (2) forward certified copies of the abstracts of judgment to the Department of Corrections and Rehabilitation.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

July 17, 2008 (Continued)

DIVISION SIX (continued)

B200952 People (Not for Publication)
v.
Amaya

The judgment is modified to award appellant 64 (instead of 19) days of presentence conduct credit, increasing the total presentence credit (actual custody plus conduct) from 148 days to 193 days. In all other respects, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections and Rehabilitation.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B205781 Hedges (Not for Publication)
v.
Superior Court of San Luis Obispo Co.
Smart et al.

Let a peremptory writ of mandate issue directing the respondent superior court to vacate its December 17, 2007 Order Lifting Stay of Action and to make a new and different order maintaining the stay of action imposed on August 3, 2005, and stay of discovery imposed on October 20, 2003.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B206491 In re Alaya L.H.,

Filed order dismissing the appeal.

DIVISION SEVEN

B191329 Zabucky
 v.
 McAdams

Filed order denying petition for rehearing.

DIVISION EIGHT

B198133 Middleton et al. (Not for Publication)
 v.
 L & J Assets, LLC

The judgment is reversed. The matter is remanded for retrial. Appellant is awarded its costs of appeal.

Egerton, J. (Assigned)

We concur: Rubin, Acting P.J.
 Flier, J.

B196131 Adir Export International, LTD. (Not for Publication)
 v.
 White Consolidated Industries, Inc., et al.
 Atlantic Mutual Insurance Company et al.
 v.
 White Consolidated Industries, Inc., et al.

The appeal is dismissed with respect to appellants Atlantic Mutual Insurance Company and General Security Insurance Company. The judgment is affirmed. Respondents' motion for sanctions is denied. Respondents shall recover costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
 Flier, J.

July 17, 2008 (Continued)

DIVISION EIGHT (continued)

B203902 Fernandez et al.
B207568 v
 SPV Water Company et al.

Filed order consolidating above captioned appeals.